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SUBJECT: NIGERIAN STYLE DEMOCRACY AND THE RULE OF LAW IN ANAMBRA - AN UPDATE

REF: A) 2003 LAGOS 2187 B) 2003 LAGOS 1479

Classified By: Consul General Robyn Hinson-Jones for reasons 1.5 (b) and (d).

1. (U) Anarchy reigns in the government of Anambra State. Since the challenged gubernatorial election in April 2003, the state has countenanced the July abduction of Governor Chris Ngige (reftel B), a state coup attempt, and the Governor's questioned resignation. Everyone has accused everyone else of having been fraudulently elected. At the federal level, multiple players, including President Olusegun Obasanjo and Vice President Abubakar Atiku, have tried to use the courts or the power of their political offices to shape the government of Anambra to their liking. The 35 other governors in Nigeria have rallied to the defense of the beleaguered Ngige. On January 12, Ngige won another round in the continuing tussle for control when a federal appeals court reinstated him by overturning an ex parte Enugu state court order that tried to strip Ngige of the governorship. The wrangling is not over. The press screams daily accusations that federal government officials engineered the coup attempt in the first place, and that the President is using a weak and corrupt judicial system to accomplish what brute force and illegal action did not.

The rule of law

2. (U) According to the Nigerian Constitution, Governors are supposed to be the Chief Security Officers for their states. The crisis in Anambra is significant for all of Nigeria because there the Governor himself has been threatened, chased into hiding and assaulted by both the State Police and State Security Service (SSS) since the July coup attempt. President Obasanjo and his Peoples Democratic Party (PDP), have not moved to support Ngige and re-establish order in Anambra. They claim to prefer a "political settlement" which has seen the party careen between supporting Ngige and/or his political "godfather", millionaire Chris Uba, who proudly proclaims that he bought the election of every winning politician in the state. None of the coup plotters, including Uba, has been brought before a court, though many Nigerian jurists have said that their actions in July were clearly treasonous.

3. (U) At times, the godfather has had better protection than the Governor. In both July and before the recent Enugu court ruling, Ngige's official State Police bodyguard details were called off leaving him vulnerable to repeated assaults and attempts on his life. Based on his July experience, this time Ngige immediately went into hiding when his bodyguards deserted him, only to resurface under the protection of private guards and a favorable appeals court ruling.

Nigerian democracy

4. (C) Comment. Nigeria is a tribal culture and accustomed to rule by "chiefs", "big men" or "godfathers." It is a long-deprived people now driven to acquiring as much money as possible as quickly as possible, and a people who accept payment of tribute and respect to a leader as an expected cost of doing business. But while politics is business in Nigeria, the situation in Anambra is an aberration even for this country at its current stage of cultural, political and economic development.

5. (C) Comment continued. Last April, Nigeria completed its first successful election and transfer of civilian-to-civilian governments. All observers admit there was electoral fraud, pay-offs and winners chosen by "godfathers", but the elections were held, the military did not intervene and the losers are still taking their complaints to the courts and not to the streets. Therefore, the developments in Anambra are all the more galling to Nigerians who see that situation as a civilian coup unsanctioned by a Presidency responsible for ensuring that Constitutional rule is upheld. In fact, critics allege, the President has encouraged and protected the culprits. Hypotheses about the President's role generally point to Nigeria's inescapable skein of personal patronage -- in this case the godfather's brother is part of Obasanjo's inner circle. Whatever the reason, Anambra is ground zero for the

worst example of total disregard for rule of law in Nigeria today. After years of ruthless and greedy military dictatorships, many Nigerians are determined to work within legal systems and to build democratic institutions. But the tangled web of intrigue and political intimidation in Anambra makes a mockery of rule of law in Nigeria.

HINSON-JONES